

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
RYNCARZ, A.

Examiner: **SISSON, Bradley L.**

Application No.: 08/791,240

Art Unit: 1634

Filed: **January 30, 1997**

Title: **POSITIVE CONTROLS IN
POLYNUCLEOTIDE
AMPLIFICATION**

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner For Patents, c/o Bradley L. Sisson, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450, to facsimile number 703-872-9306 on:

September 10, 2003

Date of Deposit
Signature

James H. Sisson

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SEP 10 2003

**PETITION TO REQUEST WITHDRAWAL HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181**

OFFICIAL

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sirs:

Applicant respectfully requests withdrawal of the holding of abandonment of the above-identified application. This petition is being filed within six (6) months from receiving the Notice of Abandonment mailed on March 25, 2003, copy enclosed.

The Notice of Abandonment was issued declaring that the Applicants failed to timely file a reply to the Office Action mailed on May 22, 2002, copy enclosed.

A review of our file reveals that an Amendment in response to the Office Action, together with a Petition for Extension of Time were sent via facsimile to Art Group 1634 at 703-872-9306 on November 21, 2002. This was prior to the expiration of the statutory deadline. Copies of the documents evidencing the timely and successful transmission are enclosed herewith. Also enclosed, is a copy of a Auto-Reply Facsimile Transmission, which indicates the receipt of the above-mentioned facsimile transmission of November 21, 2002 by the United States Patent and Trademark Office.

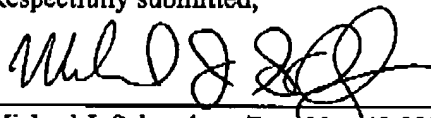
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130.00 DA

Applicants' attorney hereby requests that the Amendment and Extension of Time that were timely transmitted be accepted as of the date of transmission, November 21, 2002, and the holding of abandonment be withdrawn.

Please charge our Deposit Account No. 18-1982 in the amount of \$130.00 to cover the petition fee (37 CFR 1.17(h)). Any deficiency or overpayment should be charged or credited to Deposit Account No. 18-1982.

Respectfully submitted,



Michael J. Schmelzer, Reg. No. 43,093
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.
Patent Department
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Bridgewater, New Jersey 08807-0800
Telephone: 908-231-4797
Telefax: 908-231-2626

Aventis Docket No. USAV2001/0133 US PCT

PATENT

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In re Application of
RYNCARZ, A.

Examiner: SISSON, B.

Art Unit: 1634

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TELEFAX CERTIFICATE

I hereby certify that this correspondence is being
transmitted via facsimile to the Commissioner for
Patents, Washington, D.C. 20231, on

Nov. 21, 2002
Date of Transmission
Debra Couper
Signature

PETITION TO WITHDRAW NOTICE OF APPEAL

Commissioner for Patents

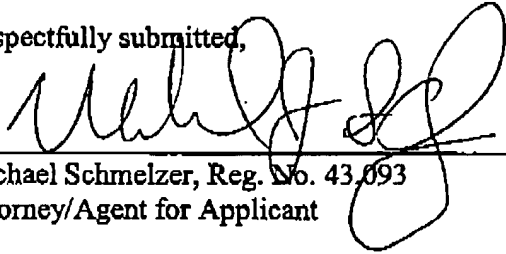
Washington, D.C. 20231

Sir:

With respect to the above-identified Application, the Examiner mailed a final Office Action ("Paper No. 42") on October 5, 2001. In response, Applicant submitted an Amendment After Final on February 27, 2002 and a Notice of Appeal on April 1, 2002. Subsequent to our filing of the Notice of Appeal, the Examiner mailed a non-final Office Action ("Paper No. 43") on May 22, 2002, in which he withdrew the finality of the previous Office Action.

In light of the Examiner's withdrawal of finality, Applicant respectfully requests the withdrawal of our Notice of Appeal without prejudice.

Respectfully submitted,


Michael Schmelzer, Reg. No. 43,093
Attorney/Agent for Applicant

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